

Message

From: Gelber, Bruce (ENRD) [Bruce.Gelber@usdoj.gov]
Sent: 12/8/2020 10:51:30 PM
To: Starfield, Lawrence [Starfield.Lawrence@epa.gov]
Subject: FW: Ex. 5 Deliberative Process (DP)

Larry – Here is the compromise language on the phase 3 issue that Eric sent to Cyndy at my request. Apparently, Cyndy had already forwarded EES' original language to Susan before she received the compromise proposal. Please let me know if you and Susan can live with the compromise approach.

I sent an email to Jon telling him we were still working on this. So far I've not heard from him.

From: Albert, Eric (ENRD) <Eric.Albert@usdoj.gov>
Sent: Tuesday, December 08, 2020 3:48 PM
To: Mackey, Cyndy <Mackey.Cyndy@epa.gov>
Cc: Li, Helen (ENRD) <helen.li2@usdoj.gov>; Li, Beverly <Li.Beverly@epa.gov>; Ingemansen, Dean <Ingemansen.Dean@epa.gov>; Susan.akers@usdoj.gov; Kulpan, Bruce <Kulpan.Bruce@epa.gov>; McKenna, Elizabeth <Mckenna.Elizabeth@epa.gov>; Patterson, Kenneth <Patterson.Kenneth@epa.gov>
Subject: RE: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

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And here is the language from DOJ's redline earlier (modified to be parallel to the new compromise language above) for comparison:

Ex. 5 Deliberative Process (DP)

Please run both of these sets of proposals Larry Starfield and Susan Bodine and let us know whether either set is acceptable. If possible, Bruce Gelber would like to know EPA's views on these proposals by this evening, when he has a regularly scheduled call with Brightbill.

Thanks.

Eric Albert
Senior Attorney

From: Albert, Eric (ENRD)
Sent: Tuesday, December 8, 2020 1:14 PM
To: Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Kulpan, Bruce <Kulpan.Bruce@epa.gov>; McKenna, Elizabeth <McKenna.Elizabeth@epa.gov>; Patterson, Kenneth <Patterson.Kenneth@epa.gov>
Cc: Li, Helen (ENRD) <HLI2@ENRD.USDOJ.GOV>; Li, Beverly <Li.Beverly@epa.gov>; Ingemansen, Dean <Ingemansen.Dean@epa.gov>; Akers, Susan (ENRD) <SAkers@ENRD.USDOJ.GOV>
Subject: RE: Ex. 5 Deliberative Process (DP)

Attached is an updated redline showing changes we discussed and generally agreed on during our call with the exception of changes related to the Phase 3 optional contingent work in areas currently within the PRO, which we agreed needs to be elevated. I've kept our proposed redlines to address that issue in the draft so you can see more concretely what we are proposing.

Thanks.

Eric

From: Albert, Eric (ENRD)
Sent: Tuesday, December 8, 2020 12:53 PM
To: Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Kulpan, Bruce <Kulpan.Bruce@epa.gov>; McKenna, Elizabeth <McKenna.Elizabeth@epa.gov>; Patterson, Kenneth <Patterson.Kenneth@epa.gov>
Cc: Li, Helen (ENRD) <HLI2@ENRD.USDOJ.GOV>; Li, Beverly <Li.Beverly@epa.gov>; Ingemansen, Dean <Ingemansen.Dean@epa.gov>
Subject: RE: Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

From: Albert, Eric (ENRD)
Sent: Tuesday, December 8, 2020 12:34 PM
To: Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Kulpan, Bruce <Kulpan.Bruce@epa.gov>; McKenna, Elizabeth <McKenna.Elizabeth@epa.gov>; Patterson, Kenneth <Patterson.Kenneth@epa.gov>
Cc: Li, Helen (ENRD) <HLI2@ENRD.USDOJ.GOV>; Li, Beverly <Li.Beverly@epa.gov>
Subject: RE: Ex. 5 Deliberative Process (DP)

Here is our running redline.

From: Mackey, Cyndy <Mackey.Cyndy@epa.gov>
Sent: Tuesday, December 8, 2020 10:02 AM
To: Kulpan, Bruce <Kulpan.Bruce@epa.gov>; McKenna, Elizabeth <McKenna.Elizabeth@epa.gov>; Patterson, Kenneth <Patterson.Kenneth@epa.gov>
Cc: Albert, Eric (ENRD) <EAlbert@ENRD.USDOJ.GOV>; Li, Helen (ENRD) <HLI2@ENRD.USDOJ.GOV>; Li, Beverly

<Li.Beverly@epa.gov>

Subject: RE: **Ex. 5 Deliberative Process (DP)**

Barbara

Please schedule a **Ex. 5 Deliberative Process (DP)** call at noon today for an hour with all the people on this message. Thanks.

Cyndy Mackey

Director, Office of Site Remediation Enforcement

EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460

202 564-8206 (Direct Line)

202 564-5110 (Office Line)

202 591-6184(Office Cell)

This email is for the intended recipient only and may contain material that is privileged and/or confidential. If you believe you have received this email in error, please notify the sender. Thank you

From: Kulpan, Bruce <Kulpan.Bruce@epa.gov>

Sent: Tuesday, December 08, 2020 8:59 AM

To: McKenna, Elizabeth <Mckenna.Elizabeth@epa.gov>; Patterson, Kenneth <Patterson.Kenneth@epa.gov>

Cc: eric.albert@usdoj.gov; Li, Helen (ENRD) <helen.li2@usdoj.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>

Subject: RE: **Ex. 5 Deliberative Process (DP)**

Elizabeth,

IS R10 scheduling the call with DOJ, or would you like OSRE to schedule the call?

From: McKenna, Elizabeth <Mckenna.Elizabeth@epa.gov>

Sent: Monday, December 7, 2020 11:08 PM

To: Patterson, Kenneth <Patterson.Kenneth@epa.gov>

Cc: eric.albert@usdoj.gov; Li, Helen (ENRD) <helen.li2@usdoj.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Kulpan, Bruce <Kulpan.Bruce@epa.gov>

Subject: FW: **Ex. 5 Deliberative Process (DP)** tomorrow?

Ken – The email, below, was meant to include you but the address was incorrect.

Elizabeth

Elizabeth McKenna | Assistant Regional Counsel

US Environmental Protection Agency, Region 10

1200 Sixth Avenue | Suite 155, M/S 11-C07

Seattle, WA 98101

(206) 553-0016



From: Albert, Eric (ENRD) <Eric.Albert@usdoj.gov>

Sent: Monday, December 07, 2020 7:41 PM

To: Mackey, Cyndy <Mackey.Cyndy@epa.gov>

Cc: Li, Helen (ENRD) <helen.li2@usdoj.gov>; Susan.akers@usdoj.gov; McKenna, Elizabeth

<Mckenna.Elizabeth@epa.gov>; Kulpan, Bruce <Kulpan.Bruce@epa.gov>; patterson.ken@epa.gov

Subject: Re: **Ex. 5 Deliberative Process (DP)**

Helen and I can make noon ET work, but Helen may be a little late to the call. Do you want to circulate a call-in number?

Sent from my iPhone

On Dec 7, 2020, at 10:05 PM, Mackey, Cyndy <Mackey.Cyndy@epa.gov> wrote:

Eric

I am only available between 11:30 - 1 and then after 5 tomorrow. I've copied Ken Patterson, Bruce Kulpan and Elizabeth McKenna in hopes that we call all talk around noon EST. If this timing does not work, then please work with these other team members to try to wrap up and resolve any remaining issues,

Let me know if noon works for you and Helen and I will get a teams call set up.

Thanks

Cyndy Mackey

Sent from my iPhone

On Dec 7, 2020, at 6:56 PM, Albert, Eric (ENRD) <Eric.Albert@usdoj.gov> wrote:

Ex. 5 Deliberative Process (DP)

We are both available from 1:30 to 3:30 ET tomorrow. Let us know if there is a time in that window that works for you – we will probably need no more than an hour. If not, let us know your availability and we will try to move things around to make it work on our end.

Thanks.

Eric Albert
Senior Attorney